

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALRELIO EVANS,

Plaintiff,

Case No. 2:11-cv-492

v.

Honorable R. Allan Edgar

KEITH SNYDER, et al.,

Defendants.

MEMORANDUM AND ORDER

U.S. Magistrate Judge Timothy P. Greeley has entered a Report and Recommendation (“R&R”) in this case, in which he recommended that Defendants Snyder and Wyma’s motion for summary judgment be granted, and this case be dismissed. Doc. No. 84. Magistrate Judge Greeley found that Plaintiff has not shown a violation of his religious rights under the First Amendment or RLUIPA, and that he has failed to support an Equal Protection claim.

Plaintiff has filed objections to the R&R. Doc. No. 91. This Court is required to make a de novo determination of those portions of the R&R to which objections have been filed, and may accept, reject, or modify any or all of the Magistrate Judge’s findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(a). In his objections, Plaintiff asserts that he did not know that he would not receive a snack bag before participating in the fast, because MDOC staff members have a “reputation of saying one thing while doing another simply to elicit a response from prisoners.” Plaintiff also disagrees with Magistrate Judge Greeley’s conclusion that Plaintiff did in fact participate in the fast, so he cannot argue that his religious rights were violated. Plaintiff states that he did not have the money to afford snacks from the store. Finally, Plaintiff

asserts that he properly asserted a “class of one” equal protection claim. Plaintiff’s objections are without merit. Plaintiff has not alleged that he was prevented from participating in the fast; instead, he alleges that he was prevented from receiving snack bags during the fast. Plaintiff therefore cannot show that he suffered an injury. Plaintiff has not shown that his RLUIPA or First Amendment free exercise rights were violated. Plaintiff failed to argue that Defendants acted with a discriminatory purpose, and thus failed to support his Equal Protection claim.

Defendants’ motion for summary judgment [Doc. No. 69] is GRANTED. Magistrate Judge Greeley’s R&R [Doc. No. 84] is APPROVED and ADOPTED as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1) and W.D. Mich. L. Civ. R. 72.3(b). Plaintiff’s motion to appoint counsel [Doc. No. 62]; motion for a temporary restraining order [Doc. No. 74]; motion for writ of habeas corpus [Doc. No. 77]; and proposed order [Doc. No. 80] are DENIED AS MOOT. Plaintiff’s complaint is DISMISSED WITH PREJUDICE in its entirety. A Judgement consistent with this Memorandum and Order will be entered.

SO ORDERED.

Dated: 3/31/2014

/s/ R. Allan Edgar
R. Allan Edgar
United States District Judge